

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

GEORGE W. SWEIGERT

Plaintiff,

vs.

JASON GOODMAN,

Defendant

Case 1:22-cv-02788-LGS-BCM

**OBJECTION TO VOLUTARY
DISMISSAL AND MOTION FOR
CONTEMPT**

Defendant Jason Goodman (“Goodman”) by and for himself pro se respectfully objects to Plaintiff’s motion for voluntary dismissal without prejudice and moves this honorable Court for an order finding Plaintiff George Webb Sweigert (“Webb”) and his brother, intervenor application David George Sweigert (“David” collectively hereinafter the “Sweigerts” or “Sweigert brothers”) in contempt of Court pursuant to Fed. R Civ. P Rule 70(e) for violation of Court Order of the Honorable Valerie Caproni. (*See* Sweigert v Goodman 1:18-cv-08653-VEC-SDA ECF No. 383 Page 4). Plaintiff should also be held in contempt pursuant to NYCL - JUD § 487 for engaging in deceit and collusion with intent to deceive the court.

INTRODUCTION

The Sweigert brothers have been at the center of a series of events which have led to no less than seven civil lawsuits involving the defendant. Recently in this Court, David voluntarily withdrew a vexatious claim he had rigorously pursued against Goodman for more than three years. Upon granting the motion for voluntary withdrawal, Judge Caproni dismissed the claims with prejudice. (*See* Sweigert v Goodman 1:18-cv-08653-VEC-SDA ECF No. 381)

David immediately moved the Court for reconsideration of his own voluntary withdrawal seeking dismissal without prejudice. He was admonished by judge Caproni for this brazen attempt at what she dubbed “judicial gamesmanship”. **(EXHIBIT A)**

Judge Caproni warned David that his abuse of the Court would not be tolerated. On information and belief, Defendant Goodman alleges David has written pleadings on Webb’s behalf and has been the driving force behind this instant, sham litigation.

DECIET AND COLLUSION

In a phone call to the Court on or around July 15 and again in his Notice of Voluntary Dismissal dated July 18, 2022, Plaintiff claimed to be suffering from a “severe case of COVID” (*See* 1:22-cv-02788-LGS-BCM ECF No. 71). On July 16, 2022 plaintiff appeared in a live video on Twitter <https://twitter.com/RealGeorgeWebb1/status/1548442581402472448> looking and sounding totally healthy, exhibiting no symptoms of COVID. **(EXHIBIT B)**

It should be noted, COVID was the same reason given in response to the show cause order from the honorable Gershwin Drain which provoked the controversy that is the subject matter of this instant action, the alleged forgery of ECF No. 12 in Sweigert v Cable News Network Case 2:20-cv-12933-GAD-KGA.

PATERN AND PRACTICE

The Sweigert brothers are in a regular practice of involving Goodman in vexatious sham litigation (*See* Sweigert v Cable News Network 2:20-cv-12933-GAD-KGA also Sweigert v Multimedia System Design, Inc. 2:22-cv-10642-GAD-EAS also Sweigert v Goodman 1:18-cv-08653-VEC-SDA also Steele v Goodman 3:17-cv-00601-MHL). In addition to this action, David is presently attempting to involve Goodman in sham litigation against a fictitious

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1 corporate entity in the Eastern District of Michigan that he falsely claims Goodman is the CEO
 2 of. This instant action was sent to SDNY by the honorable Gershwin Drain. To further confound
 3 its resolution, Plaintiff now seeks to reverse that improperly. Plaintiff alleges Goodman's claims
 4 are defamatory, Goodman is prepared to allow this Court to decide based on the evidence which
 5 is digital in nature and not specifically located in Michigan. Plaintiff's request for voluntary
 6 dismissal without prejudice must be denied lest the Court undermine the Judge Caproni's ruling
 7 stating that exactly this brand of "judicial gamesmanship" would not be tolerated.
 8

9 CONCLUSION

10 Defendant prays the Court will deny the motion for voluntary withdrawal and instead
 11 move to hold the Plaintiff and the intervenor applicant in contempt of court pursuant to Fed. R
 12 Civ. P Rule 70(e) for willful violation of Judge Valerie Caproni's order and for any other reasons
 13 as determined by the Court. Defendant further prays the Court will dismiss this case sua sponte
 14 for failure to state a claim because Goodman's statements in an Amicus Curiae brief are
 15 privileged and immune from claims of defamation and for any other reasons the Court may find.
 16 Defendant further prays the Court will find the Sweigert brother each to be vexatious litigants
 17 and require them to first seek leave of the Court before pursuing any further legal action against
 18 Goodman or any putative Corporate or other business entity related to Goodman.
 19

20 Signed this 18th day of July 2022

21 Respectfully submitted,



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23
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25 Jason Goodman, Defendant, Pro Se
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CERTIFICATE OF SERVICE

I, hereby certify, under penalties of perjury, that a true copy of the accompanying document has been filed electronically via Temporary Pro Se Electronic Filing and served upon the parties below via email on July 18, 2022.

George Webb Sweigert georg.webb@gmail.com

David George Sweigert spoliation-notice@mailbox.org

Signed this 18th day of July 2022

Respectfully submitted,



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(EXHIBIT A)

Mr. Sweigert's motion for reconsideration of the Court's orders dismissing his claims with prejudice is DENIED. After almost four years of litigation, 381 filings, and on the eve of trial, Mr. Sweigert voluntarily withdrew his claims in this action. *See* Mem. of Law, Dkt. 378 ("[W]ith this motion the Plaintiff surrenders all his claims with regards to defamation and defamation per se in favor of adjudication addressed by NYCRL Sec. 50 and 51."); Notice, Dkt. 380 ("[T]he pro se non-attorney Plaintiff hereby withdraws and surrenders all claims with regards to New York's Civil Rights Law (NYCRL) Section 50 and 51.").

"[I]f the plaintiff either moves for dismissal without prejudice or fails to specify whether the request is for dismissal with or without prejudice, the matter is left to the [court's] discretion The trial court may grant a Rule 41(a) dismissal without prejudice or may require that the dismissal be with prejudice." *Corrado v. New York State Unified Ct. Sys.*, 698 F. App'x 36, 37 (2d Cir. 2017) (citing 9 Charles A. Wright & Arthur R. Miller, *Federal Practice and Procedure* § 2367). Moreover, "[v]oluntary dismissal without prejudice is ... not a matter of right." *Id.* (quoting *Zagano v. Fordham Univ.*, 900 F.2d 12, 14 (2d Cir. 1990)).

The Court construed Mr. Sweigert's voluntary withdrawal of his claims as a request for dismissal pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. The Court found a dismissal with prejudice to be appropriate. Mr. Sweigert's claims were ripe for trial: multiple motions had been resolved, discovery had been completed, and the trial was scheduled. If the Court had dismissed Mr. Sweigert's claims without prejudice, he would be free to refile his claims in other courts and start the process from the beginning. If Mr. Sweigert truly wished to pursue his claims, he should have continued this case. The Court will not tolerate judicial gamesmanship; Mr. Sweigert does not get a judicial mulligan.

The Clerk of Court is respectfully directed to close the open motion at docket entry 382. The Clerk is further requested to mail a copy of this endorsement to the *pro se* Defendant and to note the mailing on the docket.

SO ORDERED.



Date: March 23, 2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

(EXHIBIT B)

← **Thread**



George Webb - Investigative Journalist

@RealGeorgeWebb1



Tracking DARPA's "tag and trace" technology gives you everything you need to know about viruses, vaccines, and biosurveillance since 9/11. And one name at NATO always seems to get the vaccine bids at the WHO and the Wellcome Trust.



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